

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>OBIEKWE STEPHEN OKWUDIL )</b>	)	
<b>UGOCHUKWU,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL NO. 06-581-DRH</b>
<b>vs.</b>	)	
	)	
<b>FRED BALLARD, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

On August 8, 2006, the Court ordered Plaintiff to pay the \$350 filing fee applicable to this action or, in the alternative, to file a properly documented motion to proceed *in forma pauperis*, within thirty days. Following Plaintiff's failure to comply with that order in the time allotted,

**IT IS HEREBY ORDERED AND ADJUDGED** this action is **DISMISSED without prejudice** for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994). The Clerk is **DIRECTED to CLOSE THIS CASE.**

**IT IS SO ORDERED.**

**DATED: October 6, 2006.**

/s/ David RHerndon  
**DISTRICT JUDGE**